

FORTY-NINTH DAY
(Continued)
(Thursday, April 30, 1987)

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Blake.

SENATORS ANNOUNCED PRESENT

Senators Barrientos and Sims who had previously been recorded as "Absent-excused" were announced "Present".

MESSAGE FROM THE HOUSE

House Chamber
April 30, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 65, Proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges.

H.J.R. 95, Proposing a constitutional amendment to exempt from ad valorem taxation personal property not held or used for the production of income.

H.J.R. 96, Proposing a constitutional amendment to authorize the legislature to provide ad valorem tax relief for certain off-shore drilling equipment that is not in use.

H.B. 613, Relating to the contents of a voter registration application.

H.B. 987, Relating to health care services provided by a State chest hospital.

H.B. 147, Relating to the responsibility of certain city hospitals to provide indigent health care.

H.B. 2331, Relating to the representation of the Texas Legislature before the courts of Texas or the United States.

H.B. 1178, Relating to the definition of group accident and health insurance.

H.B. 1104, Relating to qualifications, powers, and duties of a justice of the peace in regard to inquests and the creation of certain offenses concerning dead bodies.

H.B. 1912, Relating to use of State water from the Gulf of Mexico and its bays and arms for mariculture activities and adding a definition of mariculture.

H.B. 1329, Relating to certain fees charged to permittees and licensees of the Texas Water Commission.

H.B. 1248, Relating to the regulation and supervision of savings and loan associations.

H.B. 1232, Relating to the height of auto transportors operated on public roads.

H.B. 1066, Relating to the establishment, powers, and duties of the Texas Council on Alzheimer's Disease and Related Disorders and to the powers and duties of the Texas Department of Health in relation to the council.

H.B. 1043, Relating to bingo, the imposition of a State tax on the gross receipts from bingo games and the collection of bingo taxes, and the prizes that may be offered or awarded at a bingo occasion.

H.B. 41, Relating to granting limited law enforcement authority to special agents of the Internal Revenue Service.

H.B. 279, Relating to granting limited law enforcement authority to special agents and law enforcement officers of the United States Forest Service.

H.B. 943, Relating to the financing of transportation authorities, providing for elections to reduce the sales and use tax rate, limiting the use of authority revenue for certain purposes, and providing for State audits of authorities.

H.B. 534, Relating to the offense of tampering with identification numbers.

H.B. 306, Relating to the administration of medication to students by certain medical professionals who work at public schools as volunteers.

H.B. 1262, Relating to nonresident hunting licenses and to the animals that may be taken under those licenses.

H.B. 707, Relating to the preference for Texas and United States products under certain public purchasing contracts.

H.B. 373, Relating to the adoption of the Revised Uniform Reciprocal Enforcement of Support Act.

H.B. 746, Relating to the regulation of the care and treatment of animals in riding stables; providing a penalty.

H.B. 572, Relating to the operation of a telephone cooperative.

H.B. 13, Relating to the sentencing of a defendant convicted of capital murder if it is alleged by the defendant that another person charged in the same death was primarily responsible for the murder.

S.C.R. 102, Recognizing the week of May 11, 1987, as Tejano Conjunto Music Week in San Antonio, Texas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by Senate Rule 14.1(f), the following bills were laid before the Senate, read second time, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

C.S.S.C.R. 78 (Truan) Requesting the governor to establish an interagency council on health promotion. (vv)

C.S.S.C.R. 79 (Truan) Encouraging State agencies to develop fitness programs for their employees. (vv)

C.S.S.C.R. 80 (Truan) Encouraging State agencies to develop employee assistance programs. (vv)

S.B. 277 (Green) Relating to examination and rights of fire fighters and police officers in certain cities. (30-1) Washington "Nay" (31-0)

S.B. 372 (Caperton) Relating to purchase of supplies, materials, services, or equipment from State funds appropriated for research projects. (30-1) Washington "Nay" (31-0)

C.S.S.B. 390 (Krier) Relating to child abuse reports. (30-1) Washington "Nay" (31-0)

C.S.S.B. 726 (Whitmire) Relating to the membership and election of the governing boards of certain junior college and independent school districts and to the taxing authority of certain junior colleges. (30-1) Washington "Nay" (31-0)

S.B. 756 (Caperton) Relating to the organization and administration of the Real Estate Research Center at Texas A&M University. (30-1) Washington "Nay" (31-0)

C.S.S.B. 777 (Edwards) Relating to intellectual property policies of institutions of higher education. (30-1) Washington "Nay" (31-0)

C.S.S.B. 778 (Edwards) Relating to intellectual property. (30-1) Washington "Nay" (31-0)

S.B. 792 (Parker) Relating to the exchange of certain property by Lamar University and the City of Port Arthur. (30-1) Washington "Nay" (31-0)

C.S.S.B. 912 (Harris) Relating to the regulation of vessels operating in the exclusive economic zone that land fish, shrimp, crabs, or other aquatic organisms in this State. (30-1) Washington "Nay" (31-0)

S.B. 1037 (Krier) Relating to interests in real and personal property. (30-1) Washington "Nay" (31-0)

S.B. 1038 (Krier) Relating to the satisfaction of certain pecuniary bequests, devises, or transfers in trust in a manner fairly representative of appreciation or depreciation of the property of the estate. (30-1) Washington "Nay" (31-0)

S.B. 1138 (Caperton) Relating to technical corrections and clarifications in suits brought under Titles 1 and 2, Family Code. (30-1) Washington "Nay" (31-0)

S.B. 1301 (Caperton) Relating to the optional retirement program and changes necessary to comply with the Tax Reform Act of 1986. (30-1) Washington "Nay" (31-0)

S.B. 1314 (Jones) Relating to the inspections by the State Property Tax Board of premises for appraisal for school finance. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1322 (Caperton) Relating to the issuance of a marriage license. (30-1) Washington "Nay" (31-0)

S.B. 1331 (Brooks) Relating to the provision of and the service fee for 9-1-1 emergency telephone service in certain counties. (30-1) Washington "Nay" (31-0)

S.B. 1332 (Brooks) Relating to the liability of communication districts. (30-1) Washington "Nay" (31-0)

S.B. 1351 (Lyon) Relating to the creation, administration, powers, duties, operation, and financing of the Fannin County Hospital District including the power to levy taxes, issue bonds, and take property by eminent domain. (30-1) Washington "Nay" (31-0)

S.B. 1352 (Jones) Relating to the persons authorized to represent a property owner in a property tax matter. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1374 (Glasgow) Relating to the jurisdiction of the County Court at Law of Parker County. (30-1) Washington "Nay" (31-0)

S.B. 1386 (Glasgow) Relating to the jurisdiction of the County Court at Law of Wise County. (30-1) Washington "Nay" (31-0)

S.B. 1395 (Parmer) Relating to statement of costs incurred by cities, towns, and villages for nuisance abatement. (30-1) Washington "Nay" (31-0)

S.B. 1419 (Farabee) Relating to the county courts at law in Wichita County. (30-1) Washington "Nay" (31-0)

S.B. 1420 (Jones) Relating to the procedures for adopting an ad valorem tax rate and to the use of certain ad valorem taxes. (30-1) Washington "Nay" (31-0)

H.B. 16 (McFarland) Relating to the location of a county jail in counties having only one county jail. (30-1) Washington "Nay" (31-0)

H.B. 254 (McFarland) Relating to the establishment of branch offices of county clerks for the purpose of issuing marriage licenses. (30-1) Washington "Nay" (31-0)

H.B. 442 (Parmer) Relating to the appointment of criminal law magistrates in Tarrant County. (30-1) Washington "Nay" (31-0)

H.B. 506 (Montford) Relating to the payment or transfer at death of certain death benefits. (30-1) Washington "Nay" (31-0)

H.B. 623 (Farabee) Relating to the membership and operation of the Wichita County Juvenile Board and Wichita County Family Court Services Department and to fees charged to support the operations of the Family Court Services Department. (30-1) Washington "Nay" (31-0)

H.B. 783 (Farabee) Relating to the municipal courts of record of Wichita Falls. (30-1) Washington "Nay" (31-0)

H.B. 917 (Farabee) Relating to the county courts at law in Grayson County. (30-1) Washington "Nay" (31-0)

H.B. 1279 (Blake) Relating to the dissolution of the Corrigan Hospital District. (30-1) Washington "Nay" (31-0)

H.B. 1280 (Blake) Relating to the dissolution of the Livingston Hospital District. (30-1) Washington "Nay" (31-0)

BILL REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

<u>Number</u>	<u>Senators Removing</u>
S.B. 422	Edwards, Blake

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

RECESS

Senator Blake announced at 8:50 a.m. that the Senate would stand recessed until 11:00 a.m. today in accordance with a motion previously adopted by the Senate.

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by the President.

LEAVES OF ABSENCE

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Green.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Brooks.

SENATE BILLS ON FIRST READING

On motion of Senator Armbrister and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1469 by Armbrister Intergovernmental Relations
Relating to the jurisdiction of the County Court at Law No. 1 of Calhoun County.

S.B. 1470 by Zaffirini Criminal Justice
Relating to the offenses of abuse, sale, or delivery of certain volatile chemicals, to the offenses of abuse or delivery of certain glues and aerosol paints, to the offense of use or possession with intent to use inhalant paraphernalia, and to conduct indicating a need for supervision related to the abuse of those substances.

S.B. 1471 by Brooks, Parker Health and Human Services
Relating to certain child-care institutions for incorrigible children.

S.B. 1472 by Sims Natural Resources
Relating to the creation, administration, powers, eminent domain powers, duties, operations, fiscal procedures, and taxing authority of the Sterling County Underground Water Conservation District and authorizing the issuance of bonds.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.J.R. 65, To Committee on State Affairs.

H.J.R. 95, To Committee on Finance.

H.J.R. 96, To Committee on Finance.

H.B. 13, To Committee on Criminal Justice.

H.B. 41, To Committee on Criminal Justice.

H.B. 81, To Committee on Health and Human Services.

H.B. 113, To Committee on Criminal Justice.

H.B. 147, To Committee on Health and Human Services.

H.B. 279, To Committee on Criminal Justice.

H.B. 306, To Committee on Education.

H.B. 373, To Committee on Jurisprudence.

H.B. 400, To Committee on Intergovernmental Relations.

H.B. 512, To Committee on Jurisprudence.

H.B. 534, To Committee on Criminal Justice.

H.B. 571, To Committee on Criminal Justice.

H.B. 572, To Committee on State Affairs.

H.B. 613, To Committee on State Affairs.

H.B. 677, To Committee on Health and Human Services.

H.B. 707, To Committee on State Affairs.

H.B. 734, To Committee on Finance.

H.B. 746, To Committee on Health and Human Services.

H.B. 806, To Committee on Health and Human Services.
H.B. 852, To Committee on Health and Human Services.
H.B. 943, To Committee on State Affairs.
H.B. 987, To Committee on Health and Human Services.
H.B. 1043, To Committee on Finance.
H.B. 1066, To Committee on Health and Human Services.
H.B. 1104, To Committee on Criminal Justice.
H.B. 1178, To Committee on Economic Development.
H.B. 1232, To Committee on State Affairs.
H.B. 1248, To Committee on Economic Development.
H.B. 1262, To Committee on Natural Resources.
H.B. 1329, To Committee on Natural Resources.
H.B. 1503, To Committee on State Affairs.
H.B. 1511, To Committee on State Affairs.
H.B. 1678, To Committee on State Affairs.
H.B. 1874, To Committee on State Affairs.
H.B. 1912, To Committee on Natural Resources.
H.B. 2090, To Committee on State Affairs.
H.B. 2262, To Committee on Economic Development.
H.B. 2329, To Committee on Finance.
H.B. 2331, To Committee on State Affairs.
H.B. 2404, To Committee on Natural Resources.

CO-SPONSOR OF HOUSE BILL 1050

On motion of Senator Parker and by unanimous consent, Senator Glasgow will be shown as Co-sponsor of H.B. 1050.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 3

On motion of Senator Edwards and by unanimous consent, Senator Zaffirini will be shown as Co-sponsor of H.J.R. 3.

CO-AUTHOR OF SENATE BILL 607

On motion of Senator Parker and by unanimous consent, Senator Glasgow will be shown as Co-author of S.B. 607.

CO-AUTHOR OF SENATE BILL 135

On motion of Senator Glasgow and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 135.

CO-AUTHOR OF SENATE BILL 779

On motion of Senator Santiesteban and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 779.

CO-AUTHOR OF SENATE BILL 990

On motion of Senator Parker and by unanimous consent, Senator Green will be shown as Co-author of S.B. 990.

MESSAGE FROM THE HOUSE

House Chamber
April 30, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 180, Commending Congressmen Charles Stenholm, Beau Boulter, and Ralph Hall.

H.C.R. 181, Congratulating the Honorable Annette Strauss, mayor of Dallas.

H.C.R. 141, Commending Duane Albrecht for his generosity in donating the historic Southgate-Lewis Home to the W. H. Passon Historical Society.

H.C.R. 144, Honoring Dr. William C. Levin, president of The University of Texas Medical Branch at Galveston.

S.C.R. 42, Requesting the State Preservation Board to erect a monument honoring Texans who participated in the defense of Pearl Harbor.

H.C.R. 51, Granting Utley-James of Texas, Inc. permission to sue the State of Texas and Stephen F. Austin State University.

H.C.R. 113, Granting JCPenney Life Insurance Company permission to sue the State.

H.C.R. 120, Granting Kunz Construction Company, Inc. permission to sue the State of Texas and The University of Texas System.

H.C.R. 126, Granting Phyllis Dutoit permission to sue the State of Texas and the Texas Department of Human Services.

H.C.R. 130, Requesting Congress to provide judicial review of decisions of the FDIC, FSLIC, and Federal Home Loan Bank Board.

H.C.R. 138, Granting JCPenney Casualty Insurance Company permission to sue the State of Texas and the State Board of Insurance.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator McFarland submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 603
C.S.S.B. 965

By unanimous consent, Senator Caperton submitted the following report for the Committee on Jurisprudence:

C.S.S.B. 1414

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.B. 2131
S.B. 1060
H.B. 1221
H.B. 1834
S.B. 1029
S.B. 1437
H.B. 1737
H.B. 1731
S.B. 1429 (Amended)
C.S.S.B. 1309

C.S.S.B. 1211
C.S.S.B. 1033
C.S.S.B. 694
C.S.S.B. 1326

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 1256
S.J.R. 27
S.J.R. 32
S.B. 729
S.J.R. 54
S.J.R. 56
S.B. 1407
S.B. 868
S.B. 1279
S.B. 1036
S.B. 485
S.B. 1113
H.B. 568
S.J.R. 37
S.B. 286
S.B. 1119 (Amended)
S.B. 669 (Amended)
C.S.S.B. 862
C.S.H.B. 699
C.S.S.B. 966
C.S.S.B. 647
C.S.S.B. 1258
C.S.S.J.R. 49
C.S.S.B. 1259
C.S.S.B. 1166
C.S.S.B. 1406
C.S.S.J.R. 44
C.S.S.B. 1105
C.S.S.J.R. 55
C.S.S.B. 1382
C.S.S.B. 467

SENATE RESOLUTION 489

Senator Zaffirini offered the following resolution:

S.R. 489, Commending the Honorable Barbara Tieken on her distinguished public service.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Zaffirini escorted Mrs. Tieken to the President's Rostrum.

The President presented Mrs. Tieken with an enrolled copy of **S.R. 489** as she received the welcome of the Senate.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 29, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE BRANCH PILOTS FOR THE PORTS OF GALVESTON COUNTY:
For a four-year term from December 19, 1986 thru December 18, 1990:

JAMES W. COONROD
10 Lakeview
Galveston, Texas 77551

Captain Coonrod is being reappointed.

For a four-year term from June 1, 1986 thru May 31, 1990:

EDGAR L. KING
2801 Beluehe
Galveston, Texas 77551

Captain King is being reappointed.

For a four-year term from May 15, 1986 thru May 14, 1990:

WILLIAM R. KERN
105 Tarron
Galveston, Texas 77550

Captain Kern is being reappointed.

For a four-year term from April 5, 1987 thru April 4, 1991:

CHARLES R. GILCHRIST
3314 Antilles
Galveston, Texas 77551

Captain Gilchrist is being reappointed.

For a four-year term from June 1, 1986 thru May 31, 1990:

GEORGE E. PIZZITOLA
Route 1, Box 456
Alta Loma, Texas 77510

Captain Pizzitola is being reappointed.

For a four-year term from April 1, 1987 thru March 31, 1991:

HARRY L. COKER, JR.
1193 Sailfish
Hitchcock, Texas 77563

Captain Coker is being reappointed.

For a four-year term from April 29, 1987 thru April 28, 1991:

RUSSELL BRYANT, SR.
50 Dolphin
Bayou Vista, Texas 77546

Captain Bryant is being reappointed.

TO BE BRANCH PILOTS FOR THE GALVESTON BAR AND HOUSTON SHIP CHANNEL:

For a four-year term from October 13, 1986 thru October 12, 1990:

THOMAS LYNN GIBSON

4401 Shady Lake

Seabrook, Texas 77586

Captain Gibson is being reappointed.

For a four-year term from February 9, 1987 thru February 8, 1991:

ARMANDO LUNA, JR.

6411 Spencer Highway, #186

Pasadena, Texas 77505

Captain Luna is being reappointed.

For a four-year term from March 29, 1987 thru March 28, 1991:

JOHN B. NIDAY III

P. O. Box 155

Friendswood, Texas 77546

Captain Niday is being reappointed.

For a four-year term from October 13, 1986 thru October 12, 1990:

ROBERT LEONARD GLASS III

1740 Islander Way

Seabrook, Texas 77586

Captain Glass is being reappointed.

TO BE BRANCH PILOTS FOR THE SABINE BAR, PASS AND TRIBUTARIES:

For a four-year term from December 31, 1986 thru December 30, 1990:

DENNIS E. NEEF

2719 Glacier

Port Arthur, Texas

Captain Neef is being reappointed.

For a four-year term from December 31, 1986 thru December 30, 1990:

DONALD L. SINCLAIR

6910 Westgate

Beaumont, Texas 77706

Captain Sinclair is being reappointed.

For a four-year term from December 31, 1986 thru December 30, 1990:

BOBBY O. RATCLIFF

610 Victor Drive

Port Neches, Texas 77651

Captain Ratcliff is being reappointed.

TO BE BRANCH PILOT FOR THE MATAGORDA SHIP CHANNEL:

For a four-year term from September 1, 1986 thru August 31, 1990:

LARRY WILLIAM ROBINSON

1702 Oak Drive

Port Lavaca, Texas 77979

Captain Robinson is being reappointed.

TO BE BRANCH PILOT FOR PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES:

For a four-year term from September 1, 1986 thru August 31, 1990:

FRANCIS MICHAEL KERSHAW

225 Lorraine

Corpus Christi, Texas 78411

Captain Kershaw has completed two years as a Deputy Pilot and has met all qualifications for appointment as a Branch Pilot.

Respectfully submitted,

/s/W. P. Clements, Jr.

William P. Clements, Jr.
Governor of Texas

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Green requested that the nominations of Henry B. Keene and Chris A. Mealy, to be Members of the Board of Pardons and Paroles, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Santiesteban, Whitmire.

Member, Texas Commission for the Deaf: J. SCOTT HUTCHISON, Dallas County.

Member, Texas Optometry Board: DR. CLINTON M. DE WOLFE, Harris County.

Members, Commission on Jail Standards: ROLANDO V. del CARMEN, Walker County; JUDGE ROY ENGLISH, Tarrant County.

Member, Texas Guaranteed Student Loan Corporation: WILL FORD HARTNETT, Dallas County.

Members, Board of Directors, Angelina and Neches River Authority: WILLIAM STEVE LILLY, Nacogdoches County; GEORGE F. MIDDLEBROOK III, Nacogdoches County; WALTER R. VOLZ, Cherokee County.

Members, Board of Directors, Upper Colorado River Authority: DOUGLAS JAMES ROGERS, Tom Green County; WILLIAM J. CERVENKA, Runnels County.

Member, Battleship Texas Advisory Board: ROBERT LEONARD WALDROP, Harris County.

Member, Board of Regents, The Texas State University System: W. C. PERRY, McLennan County.

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

H.B. 822
H.C.R. 171
S.C.R. 102

SENATE BILL 953 ON THIRD READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 953, Relating to certain communications of members and employees of the public utility commission.

The motion prevailed by the following vote: Yeas 21, Nays 6.

Yeas: Armbrister, Blake, Brooks, Brown, Farabee, Green, Harris, Henderson, Johnson, Jones, Krier, Lyon, McFarland, Montford, Parker, Sarpalius, Sims, Tejada, Uribe, Washington, Zaffirini.

Nays: Anderson, Barrientos, Caperton, Edwards, Parmer, Truan.

Absent: Glasgow, Leedom.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was finally passed viva voce vote.

RECORD OF VOTES

Senators Barrientos and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 825 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 825, Relating to the application of the standard of prudent operation in a suit for damages alleging waste.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 825 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 825** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Santiesteban, Whitmire.

SENATE BILL 747 ON SECOND READING

Senator Parmer asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 747, Establishing a linked deposit program to encourage private commercial loans for enhanced production, processing, and marketing of certain agricultural crops.

There was objection.

Senator Parmer then moved to suspend the regular order of business and take up **S.B. 747** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Johnson, Jones, Krier, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejeda, Truan, Uribe, Washington, Zaffirini.

Nays: Brown, Harris, Henderson, Leedom.

Absent-excused: Santiesteban, Whitmire.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Henderson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 747 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 747** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Johnson, Jones, Krier, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejeda, Truan, Uribe, Zaffirini.

Nays: Brown, Harris, Henderson, Leedom, Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Johnson, Jones, Krier, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejeda, Truan, Uribe, Washington, Zaffirini.

Nays: Brown, Harris, Henderson, Leedom.

Absent-excused: Santiesteban, Whitmire.

GUEST PRESENTED

Senator Brown was recognized and introduced Dr. Robert Battle of Lake Jackson, the Capitol Physician for the Day.

Dr. Battle, a former classmate of the President at Rice University, was welcomed and received the appreciation of the Senate for his service.

COMMITTEE SUBSTITUTE SENATE BILL 102 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 102, Relating to creating an offense for damaging or disabling a fire exit alarm.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 102
ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 102 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1216
ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1216, Relating to financial responsibility requirements for applicators of herbicides and pesticides.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amend C.S.S.B. 1216 by:

- 1) SECTION 1. (c) (2) Striking the word "deposit" and substituting the words subscribe for and hold";
- 2) SECTION 2. (c) (2) Striking the word "deposit" and substituting the word "file"; and
- 3) SECTION 2 (c) (2) Inserting the words "or certification of such insurance," between the words "insurance" and "that".

The amendment was read and was adopted viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1216
ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1216 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Santiesteban, Whitmire.

**COMMITTEE SUBSTITUTE SENATE BILL 1111
ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1111, Relating to the offense of violation of a court order.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1111
ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1111** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed viva voce vote.

(Senator Caperton in Chair)

SENATE BILL 1081 ON SECOND READING

Senator Henderson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1081, Relating to registrations and reports filed with the secretary of state concerning communications to influence legislation or administrative action.

There was objection.

Senator Henderson then moved to suspend the regular order of business and take up **S.B. 1081** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brown, Edwards, Glasgow, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sims, Tejada, Uribe, Washington, Zaffirini.

Nays: Brooks, Caperton, Farabee, Green, Sarpalius, Truan.

Absent-excused: Santiesteban, Whitmire.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE
SENATE BILL 1081 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1081** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 23, Nays 6. (Not receiving four-fifths vote of Members present)

Yeas: Anderson, Armbrister, Barrientos, Blake, Brown, Edwards, Farabee, Glasgow, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sims, Tejeda, Uribe, Zaffirini.

Nays: Brooks, Caperton, Green, Sarpalius, Truan, Washington.

Absent-excused: Santiesteban, Whitmire.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 590 ON SECOND READING**

Senator Washington asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 590, Relating to tests for acquired immune deficiency syndrome and related disorders; providing penalties.

There was objection.

Senator Washington then moved to suspend the regular order of business and take up **C.S.S.B. 590** for consideration at this time.

The motion was lost by the following vote: Yeas 12, Nays 16.

Yeas: Barrientos, Brooks, Caperton, Edwards, Farabee, Johnson, McFarland, Sarpalius, Truan, Uribe, Washington, Zaffirini.

Nays: Anderson, Armbrister, Blake, Brown, Glasgow, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, Montford, Parmer, Sims, Tejeda.

Absent: Parker.

Absent-excused: Santiesteban, Whitmire.

MESSAGE FROM THE HOUSE

House Chamber
April 30, 1987

**HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 895, Relating to conforming the Judicial Title of the Government Code to certain Acts of the 69th Legislature, conforming that title to amendments to the constitution proposed by the 69th Legislature and adopted by the voters, and to nonsubstantively codifying in that title certain related statutes.

S.B. 896, Relating to the adoption of a nonsubstantive revision of the statutes relating to local government, including conforming amendments, repeals, and penalties. (Amended)

S.B. 894, Relating to adoption of a nonsubstantive revision of the statutes relating to the executive branch of government, including penalties and conforming amendments.

S.B. 888, Relating to adoption of a nonsubstantive revision of statutes relating to local taxation; making conforming amendments and repeals. (Amended)

S.B. 892, Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes and conforming codifications enacted by the 69th Legislature to other acts of that legislature. (Amended)

S.B. 320, Relating to certain court fees collected for the operation of a county law library.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 687 REREFERRED

On motion of Senator Harris and by unanimous consent, **H.B. 687** was withdrawn from the Committee on Economic Development and rereferred to the Committee on Criminal Justice.

RECESS

On motion of Senator Brooks, the Senate at 11:56 a.m. took recess until 1:30 p.m. today.

AFTER RECESS

The Senate met at 1:30 p.m. and was called to order by the President.

**COMMITTEE SUBSTITUTE SENATE BILL 1242
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1242, Relating to the enforcement of certain orders, including an order for child support and for possession of and access to a child, and to the offense of criminal nonsupport.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1242
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1242** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
April 30, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 565, Relating to pension allowances and beneficiaries under firemen's relief and retirement systems in certain cities.

S.B. 26, Relating to the notification of certain county and district officers before an order of parole of, or on a grant of clemency for, certain convicted persons and to contents of judgments. (Amended)

S.B. 439, Relating to an offset against workers' compensation benefits for certain law enforcement officers employed by political subdivisions. (Amended)

S.B. 468, Relating to the procedures for the adjudication of certain claims involving State taxes or fees.

S.B. 495, Relating to petitions filed in connection with certain candidates' applications for a place on the ballot and to changes in filing fees.

S.B. 506, Relating to the payment of certain refunds of property tax payments. (Amended)

S.B. 584, Relating to the imposition of certain handling charges involving district clerk and county clerk trust funds.

S.B. 267, Relating to amount of the fee charged for a property tax certificate. (Amended)

S.B. 638, Relating to the repayment of lost wages on reinstatement of a suspended officer or employee of certain fire or police departments. (Amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE SENATE BILL 1249
ON SECOND READING**

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1249, Relating to a symbol to be attached to vehicles driven by hearing impaired persons.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1249
ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1249** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 939
ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 939, Relating to the registration and regulation of all-terrain vehicles; providing criminal penalties.

The bill was read second time.

Senator Sarpalius offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 939, Section 6, Subsection 2, by adding a Subdivision (f) to read as follows:

(f) The designated division or agency may by rule temporarily exempt the residents of any county or counties from the requirement of Section 5 of this article to hold a safety certificate or from the requirement of Section 3 of this article to complete a course involving actual operation of an all-terrain vehicle until such time as the appropriate education and certification program needed to meet those requirements is established at a location reasonably accessible to the residents of that county.

The amendment was read and was adopted viva voce vote.

Senator Sarpalius offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 939, Section 6, Subsection 3, by adding a Subdivision (d) to read as follows:

(d) The operator education and certification program provided for persons 14 years of age or older may utilize teaching or testing methods which do not involve the actual operation of an all-terrain vehicle if the coordinator determines that vehicle operation is not feasible in that program component or at a particular program location, but no operator safety certificate may be issued to a person younger than 14 years of age unless and until that person has successfully completed a training course involving the actual operation of an all-terrain vehicle.

The amendment was read and was adopted viva voce vote.

Senator Sarpalius offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 939, Section 6, Subsection 5, by adding a Subdivision (c) to read as follows:

(c) The safety certificate required by this section shall be carried by the person to whom the certificate was issued at all times while operating an all-terrain vehicle on public property, and shall be displayed upon the request of any law enforcement officer.

The amendment was read and was adopted viva voce vote.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 939
ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 939 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejada, Truan, Uribe, Zaffirini.

Nays: Anderson, Glasgow, Green, Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Anderson, Glasgow and Green asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 666 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 666, Relating to the regulation of tow trucks; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 666 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 666** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 925 ON SECOND READING

On motion of Senator Tejada and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 925, Relating to certain fees collected by justice courts and county courts in civil matters.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 925 ON THIRD READING

Senator Tejada moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 925** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 849 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 849, Relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

The bill was read second time.

Senator Montford offered the following committee amendment to the bill:

Amend **S.B. 849**, relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners, SECTION 16, lines 2 through 9, to read as follows:

Sec. 18. (a) Except as provided by Subsection (b) of this section, a person may not own, operate, or manage a manicurist wig specialty shop unless the person holds a manicurist wig specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued. A person holding a wig salon license issued by the board may maintain an establishment in which only the practice of barbering as defined in Section 4(b)(11) of this act is performed for compensation.

The committee amendment was read and was adopted viva voce vote.

Senator Jones offered the following amendment to the bill:

Amend **S.B. 849**, Page 4, line 39 of the printed bill by inserting at line 39 two new subparagraphs (c) and (d) to read as indicated, and by appropriately redesignating the existing subparagraphs (c) through (j):

(c) "manicurist specialty shop" shall mean any place where only the practice of barbering as defined by Sec. 4(b), subparagraphs (6) and (7) of this Act is performed for compensation.

(d) "wig specialty shop" shall mean any place where only the practice of barbering as defined by Sec. 4(b), subparagraph (11) of this Act is performed for compensation.

The amendment was read and was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 849 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 849** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 497
ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 497, Relating to sanctions for violations of the Code of Judicial Conduct by candidates for certain judicial offices.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend **S.B. 497**, Section 1, as follows:

On page 1, line 48 and 49 of the Committee Printing, delete the following:
"the secretary of state,"

The amendment was read and was adopted viva voce vote.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 497
ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 497** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Santiesteban, Whitmire.

**COMMITTEE SUBSTITUTE SENATE BILL 1178
ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1178, Relating to nonresident hunting licenses and to the animals that may be taken under those licenses.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Amend **C.S.S.B. 1178** by adding the following language under Section 1 subsection (b) line 43, by adding the following:

"or a special nonresident private bird shooting preserve license.

and by adding the following language in Section 2 line 51 after the word "fee".

"The fee for a special nonresident bird shooting preserve shall not exceed \$10.00."

The amendment was read and was adopted viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1178
ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1178 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Santiesteban, Whitmire.

SENATOR ANNOUNCED PRESENT

Senator Santiesteban who had previously been recorded as "Absent-excused" was announced "Present".

**COMMITTEE SUBSTITUTE SENATE BILL 125
ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 125, Relating to the power of coastal counties, on a local option basis, to enact certain ordinances; providing a penalty.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend **C.S.S.B. 125** by deleting SECTION 4 in its entirety and renumbering the succeeding sections accordingly.

The amendment was read and was adopted viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 125
ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 125** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

SENATE BILL 1002 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1002, Relating to who may consent to medical treatment of a minor for immunizations required by law.

The bill was read second time.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1002** as follows:

(1) On page 1, lines 31 and 32, strike the words "actual notice to the contrary has not been given by that person" and substitute "has so indicated in writing on the form or format promulgated by the Texas Department of Health".

The amendment was read and was adopted viva voce vote.

Senator Sarpalius offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 1002** by inserting the words ", licensed child care facility," between the words "center" and "or" on line 37 of Page 1 of the Printed copy of the bill.

The amendment was read and was adopted viva voce vote.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 1002 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1002** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 414 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 414, Relating to the recordation, submission, and recovery of taxable and other court costs incurred in civil suits.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **S.B. 414** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. PARTIES RESPONSIBLE FOR ACCOUNTING OF OWN COSTS. (a) Each party to a suit shall be responsible for accurately recording all costs and fees incurred during the course of a lawsuit, if the judgment is to provide for the adjudication of such costs. If the judgment provides that costs are to be borne by the party by whom such costs were incurred, it shall not be necessary for any of the parties to present a record of court costs to the court in connection with the entry of a judgment.

(b) A judge of any court may include in any order or judgment all costs, including the following:

- (1) fees of the clerk and service fees due the county;
- (2) fees of the court reporter for the original of stenographic transcripts necessarily obtained for use in the suit;
- (3) masters, interpreters, and guardians ad litem appointed pursuant to these rules and state statutes;
- (4) such other costs and fees as may be permitted by these rules and state statutes.

SECTION 2. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 414 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 414** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 750 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 750, Relating to the authority of certain governmental bodies to conduct meetings by telephone conference call.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 750
ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 750 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1431
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1431, Relating to the selection of health care providers by health maintenance organizations.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1431
ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1431 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

**MOTION TO PLACE
SENATE BILL 690 ON SECOND READING**

Senator Lyon moved to suspend the regular order of business to take up for consideration at this time:

S.B. 690, Relating to the compensation of a deputy sheriff assigned to duty as a bailiff in certain counties.

On motion of Senator Lyon and by unanimous consent, the motion to suspend the regular order was withdrawn.

**COMMITTEE SUBSTITUTE SENATE BILL 932
ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 932, Relating to indoor air quality; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 932
ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 932 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

MESSAGE FROM THE HOUSE

House Chamber
April 30, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 483, Relating to the authority of a home-rule city to provide publicly owned facilities for human services to the indigent.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE SENATE BILL 1150
ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1150, Relating to the reporting, investigation, and prevention of abuse of elderly or disabled persons.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1150
ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1150 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1151 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1151, Relating to orders for protective services for an elderly or disabled person.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1151 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1151** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

**COMMITTEE SUBSTITUTE SENATE BILL 779
ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 779, Relating to the regulation of underground storage tanks, imposing certain fees, authorizing charges for late payment, and establishing an underground storage tank fund.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 779
ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 779** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 114
ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 114, Relating to the punishment applicable to certain offenses involving theft from a retail business.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 114
ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 114 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

**MOTION TO PLACE
SENATE BILL 250 ON SECOND READING**

Senator Washington moved to suspend the regular order of business to take up for consideration at this time:

S.B. 250, Relating to regulation of private process servers; providing penalties.

On motion of Senator Washington and by unanimous consent, the motion to suspend the regular order was withdrawn.

SENATE BILL 1144 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1144, Relating to approval of certain construction, repair, or rehabilitation projects undertaken by private tenants on lands leased from institutions of higher education.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1144 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1144** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

SENATE BILL 763 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 763, Relating to the registration of and issuance of certificates of title for certain motor vehicles used by law enforcement agencies.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 763 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 763** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

**COMMITTEE SUBSTITUTE SENATE BILL 1421
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1421, Relating to the regulation of dentistry and dental laboratories; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1421
ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1421** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 926
ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 926, Relating to the division and disposition of marital property and to spousal liability.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 926
ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 926** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

(Senator Brooks in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 135
ON SECOND READING**

Senator Glasgow asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 135, Relating to the regulation of chiropractors and to the powers and duties of the Texas Board of Chiropractic Examiners.

There was objection.

Senator Glasgow then moved to suspend the regular order of business and take up **C.S.S.B. 135** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Sims.

Absent-excused: Whitmire.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 135
ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 135** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejeda, Truan, Uribe, Zaffirini.

Nays: Sims, Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 113 REREFERRED

On motion of Senator McFarland and by unanimous consent, **H.B. 113** was withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Jurisprudence.

SENATE BILL 690 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 690, Relating to the compensation of a deputy sheriff assigned to duty as a bailiff in certain counties.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 690 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 690** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Zaffirini.

Nays: Leedom, Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Leedom.

Absent-excused: Whitmire.

SENATE BILL 1179 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1179, Relating to the authority of certain counties to adopt ordinances on various subjects; providing a penalty.

The bill was read second time.

Senator Sims offered the following committee amendment to the bill:

Amend **S.B. 1179**, SECTION 5. (a) to read as follows:

SECTION 5. FISCAL NOTES. (a) The commissioners court shall establish a system for providing fiscal notes for proposed ordinances under this Act that, if given effect, will ~~[- (1)]~~ require the expenditure or diversion of county funds including funds received by the county as gifts or grants from another governmental entity ~~[- or (2) - require a new tax, fee, charge, or penalty, or change an existing fee, tax, charge, or penalty by increasing, decreasing, or abolishing it].~~

The committee amendment was read and was adopted viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Amend **S.B. 1179**, Section ¹2, page 2, by deleting subsection (c) (2) and renumbering the subsequent subsections accordingly.

The amendment was read and was adopted viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 1179 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1179** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

GUEST PRESENTED

Senator Krier was recognized and introduced Mrs. Fanny Johnson of Marble Falls.

The Senate welcomed Mrs. Johnson and extended congratulations to her on her 89th birthday.

(President in Chair)

SENATE BILL 1075 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1075, Relating to fees charged for the preparation of instruments affecting title to real property.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1075 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1075** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1418 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1418, Relating to the election of the board of directors of the Stratford Hospital District and to the validation of actions by the district.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1418 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1418** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 660 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 660, Relating to the creation of a child support department in Harris County.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 660 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 660** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1189
ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1189, Relating to boll weevil control; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1189
ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1189** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 225 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 225, Relating to children's conduct in need of supervision.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 225 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 225** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

HOUSE BILL 37 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 37, Relating to fire safety requirements for nursing homes, custodial care homes, and similar institutions.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 37 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 37** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 36 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 36, Relating to the regulation of persons engaged in the business of removing asbestos from public buildings or encapsulating that asbestos; providing penalties.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 36 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 36** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 418 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 418, Relating to the incorporation, organization, operation, reorganization, and dissolution of certain corporations; providing a criminal penalty.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 418 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 418** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 720 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 720, Relating to the application of certain municipal annexation laws to special utility districts.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 720 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 720** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 426 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 426, Relating to the right of certain fire and police personnel to engage in certain political activities.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 426 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 426** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 850 ON SECOND READING

Senator Montford moved to suspend the regular order of business to take up for consideration at this time:

H.B. 850, Relating to the authority of Garza County to adopt zoning and building regulations for areas around certain lakes; providing a penalty.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Farabee.

Absent-excused: Whitmire.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **H.B. 850** Section 10, Subsection (b)...by striking subsection (b) and inserting the following language:

(b) This Act does not authorize the commissioners court to require the removal or destruction of property that exists at the time the court implements this Act or restrict the right of a landowner, acting in the owner's behalf, to construct

improvements for agricultural and ranching operations or to otherwise use the land for agriculture and ranching operations. Agriculture and ranching operations include but is not limited to the following activities: cultivating the soil; producing crops for human food, animal feed, planting seed, or fiber; floriculture; viticulture; horticulture; raising or keeping livestock or poultry; and planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

The commissioners court may take those actions to restrict or prohibit any commercial agriculture enterprise, such as a commercial feed lot, that is reasonably necessary to protect the public health, safety, peace, morals and general welfare from the dangers of explosion, flooding, vermin, insects, physical injury, contagious disease, contamination of water supplies, radiation, storage of toxic materials or other hazards.

The amendment was read and was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

RECORD OF VOTE

Senator Farabee asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 850 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 850 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Zaffirini.

Nays: Farabee, Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Farabee asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE HOUSE BILL 275 ON SECOND READING

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 275, Relating to home improvement contracts affecting homesteads.

The bill was read second time and was passed to third reading viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 275 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 275 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed viva voce vote.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 826

S.B. 827

S.B. 1261

C.S.S.B. 808

C.S.S.B. 167

HOUSE RESOLUTIONS ON FIRST READING

The following resolutions received from the House were read the first time and referred to the Committee indicated:

H.C.R. 51, To Committee on Jurisprudence.

H.C.R. 113, To Committee on Jurisprudence.

H.C.R. 120, To Committee on Jurisprudence.

H.C.R. 126, To Committee on Jurisprudence.

H.C.R. 130, To Committee on Economic Development.

H.C.R. 138, To Committee on Jurisprudence.

MEMORIAL RESOLUTION

S.R. 487 - By Farabee: Memorial resolution for Ardra Hannah.

CONGRATULATORY RESOLUTIONS

H.C.R. 141 - (Barrientos): Commending Duane Albrecht.

H.C.R. 144 - (Brooks): Honoring Dr. William C. Levin, President of The University of Texas Medical Branch at Galveston.

H.C.R. 180 - (Glasgow): Commending Congressmen Charles Stenholm, Beau Boulter and Ralph Hall.

H.C.R. 181 - (Johnson): Extending congratulations to the Honorable Annette Strauss, Mayor of Dallas.

S.C.R. 110 - By Armbrister: Commending the Texas Elks Foundation for Handicapped Children.

S.R. 483 - By Sims: Commending James W. Paulsen and the Texas Law Review Association, Inc.

S.R. 488 - By Farabee: Commending Dr. Lee R. Williamson.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 3:32 p.m. adjourned until 9:30 a.m. tomorrow.

APPENDIX

Signed by Governor
(April 29, 1987)

S.C.R. 97

S.C.R. 45

H.C.R. 92

H.C.R. 129
H.C.R. 163
H.B. 1407 (Effective immediately)
H.B. 317 (Effective September 1, 1987)
H.B. 51 (Effective immediately)
S.B. 180 (Effective September 1, 1987)
S.B. 119 (Effective September 1, 1987)
S.B. 206 (Effective immediately)
S.B. 308 (Effective immediately)
S.B. 309 (Effective January 1, 1988)
S.B. 359 (Effective September 1, 1987)
S.B. 816 (Effective immediately)
S.B. 162 (Effective August 31, 1987)
S.B. 273 (Effective August 31, 1987)
(April 30, 1987)
S.B. 563 (Effective September 1, 1987)
S.B. 539 (Effective September 1, 1987)
S.B. 513 (Effective immediately)
S.B. 263 (Effective January 1, 1988)
H.B. 1721 (Effective immediately)

FIFTIETH DAY
(Friday, May 1, 1987)

The Senate met at 9:30 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, this morning we pray for all those in the Senate circle and ask Thy watch care over them as they struggle with the freedom of choice and the difficult choices before them. The agenda is long, the issues sensitive and our prayer is that they will be debated in an atmosphere of openness and compromise, free from anxiety. In His name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 856
S.C.R. 58
S.B. 803